

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith. The present Amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1, 3, 5-9, 11-15, 18, 19, and 21-23 are pending in this application. Claims 1, 9, 15, and 19 are independent. Claims 9 and 19 have been amended. Claims 2, 3, 10, 16, 17, and 20 have been canceled without prejudice or disclaimer of subject matter.

Support for this amendment is provided throughout the Specification as originally filed. It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. No new matter has been introduced by this amendment. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicant is entitled.

II. REJECTIONS UNDER 35 U.S.C. § 103(a)

Claims 9, 11-14, 19, and 21-23 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent 6,393,152 to Takahashi, et al. in view of U.S. Patent 6,088,061 to Katata, et al.

Claim 9 recites, *inter alia*:

“...separation means for separating specific hierarchy encoded data item and reference data from a stream in which an output of the specific hierarchy encoded data item and the reference data

are multiplexed; the reference data being an average pixel value of the specific hierarchy image data.”
(Emphasis Added)

As understood by Applicant, U.S. Patent 6,393,152 to Takahashi, et al. (hereinafter, merely “Takahashi”) relates to a hierarchical coding apparatus and to a reduction of the amount of operational processing in a processing for compressively coding digital image signals having different resolutions and in a processing for multiplexing streams obtained by compressively coding image signals having different resolutions and storing or transmitting the multiplexed streams.

As understood by Applicant, U.S. Patent 6,088,061 to Katata, et al. (hereinafter, merely “Katata”) relates to a video coding device capable of making coded data have a hierarchical structure.

Applicant respectfully submits that nothing has been found in Takahashi or Katata, taken alone or in combination, that would teach or suggest the above-identified features of claim 1.

Specifically, Applicant respectfully submits that Takahashi and Katata fail to disclose or suggest separation means for separating specific hierarchy encoded data item and reference data from a stream in which an output of the specific hierarchy encoded data item and the reference data are multiplexed, the reference data being an average pixel value of the specific hierarchy image data, as recited in claim 9.

Therefore, independent claim 9 is patentable.

For reasons similar to those described above, independent claim 19 is also believed to be patentable.

III. DEPENDENT CLAIMS

The other claims are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the above-identified reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.


CONCLUSION

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Please charge any fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,
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